

**SUPREME COURT MINUTES  
WEDNESDAY, APRIL 29, 2009  
SAN FRANCISCO, CALIFORNIA**

**S170778**      D050432 Fourth Appellate District, Div. 1      **PEOPLE v. ANDERSON (ELI JORDAN)**

Granted/issues limited (crim.)

The petition for review is granted.

The issue to be briefed and argued is limited to the following: Did the trial court err in awarding restitution to the hospital that treated the victim of defendant's conduct hit-and-run offense?

Votes: George, C. J., Baxter, Werdegar, Moreno, and Corrigan, JJ.

**S171442**      B194209 Second Appellate District, Div. 3      **LU (LOUIE HUNG KWEI) v. HAWAIIAN GARDENS CASINO, INC.**

Granted/issues limited (civil)

The petition for review is granted.

The issue to be briefed and argued is limited to the following: Does Labor Code section 351, which prohibits employers from taking "any gratuity or part thereof that is paid, given to, or left for an employee by a patron," create a private right of action for employees?

Votes: George, C. J., Kennard, Baxter, Werdegar, Chin, Moreno, and Corrigan, JJ.

**S157601**      C049069 Third Appellate District      **PEOPLE v. CHUN (SARUN)**  
The petition for rehearing is denied.

**S159524**      D050408 Fourth Appellate District, Div. 1      **W. (NOLAN) ON H.C.**  
The requests for modification of the opinion are denied.

**S162413**      **MORGAN (EDWARD PATRICK) ON H.C.**

Supplemental briefing ordered

In relation to the Motion for Order to Show Cause filed on June 16, 2008, the Attorney General is to serve and file, on or before May 29, 2009, a brief addressing why, under applicable principles of California law, the court should deny petitioner's requests to permit petitioner to amend the petition within 36 months after the appointment of habeas corpus counsel to include additional claims as determined by habeas corpus counsel, and to defer informal briefing on the petition filed

on April 9, 2008, until 36 months after the appointment of habeas corpus counsel, and why the court instead should summarily deny the petition. Within 30 days of service of the Attorney General's brief, petitioner is to serve and file a response brief. Within 30 days of service of the petitioner's response brief, the Attorney General may serve and file a reply brief. Upon completion of the briefing, the Clerk will set this matter for oral argument pursuant to rule 8.54(b)(2) of the California Rules of Court.

**S167100****JIMENEZ (SAMUEL  
ZAMUDIO) ON H.C.**

Supplemental briefing ordered

In relation to the Motion for Order to Show Cause filed on June 16, 2008, the Attorney General is to serve and file, on or before May 29, 2009, a brief addressing why, under applicable principles of California law, the court should deny petitioner's requests to defer informal briefing on the petition filed on September 29, 2008, and to stay further proceedings in this matter until June 28, 2010, or the filing of an amended petition for writ of habeas corpus, whichever is earlier, and why the court instead should summarily deny the petition. Within 30 days of service of the Attorney General's brief, petitioner is to serve and file a response brief. Within 30 days of service of the petitioner's response brief, the Attorney General may serve and file a reply brief. Upon completion of the briefing, the Clerk will set this matter for oral argument pursuant to rule 8.54(b)(2) of the California Rules of Court.

**S172048**

F052296 Fifth Appellate District

**PEOPLE v. MORRISON  
(DAVID WAYNE)**

Review granted on the court's own motion; transferred to Court of Appeal, Fifth Appellate District

At the request of the Court of Appeal, review is ordered on this court's own motion. The cause is transferred to the Court of Appeal, Fifth Appellate District, with directions to vacate its decision and to reconsider the cause as the Court sees fit.

Baxter, J., was recused and did not participate.

Votes: George, C. J., Kennard, Werdegart, Chin, Moreno, and Corrigan, JJ.

**S170235**

B199242 Second Appellate District, Div. 8

**PEOPLE v. INIGUEZ (JUAN  
IGNACIO)**

Petitions for review denied

**S170308** A120277 First Appellate District, Div. 1

**LICEAGA (REBECCA) v.  
DEBT RECOVERY  
SOLUTIONS LLC.**

Petition for review denied; CA opinion decertified

The Reporter of Decisions is directed not to publish in the Official Appellate Reports the opinion in the above entitled appeal filed December 29, 2008, which appears at 169 Ca.App.4th 901. (Cal. Const., art. VI, section 14; rule 8.1125(c)(1), Cal. Rules of Court.)

**S170436** G039376 Fourth Appellate District, Div. 3

**PEOPLE v. NESBITT (IRA  
ETHAN)**

Petition for review denied

**S170533**

**GEREN (RANDY JAMES) v.  
S.C. (PEOPLE)**

Petition for writ of mandate/prohibition denied

**S170599** G037997 Fourth Appellate District, Div. 3

**PEOPLE v. GRAHAM  
(RAYMOND DWIGHT)**

Petitions for review denied

**S170613** D051962 Fourth Appellate District, Div. 1

**PEOPLE v. HOUSE  
(LEUTENANT)**

Petition for review & publication request(s) denied

**S170616** A120253 First Appellate District, Division 4

**TANZEL (YASMEEN) v. CITY  
OF RICHMOND**

Petition for review & publication request(s) denied

**S170634** B198309 Second Appellate District, Div. 1

**CLARK (KAREN A.) v.  
MAZGANI (MAHVASH)**

Petition for review denied

**S170709** D052584 Fourth Appellate District, Div. 1

Petition for review & depublication request(s) denied

**COMMUNITY YOUTH  
ATHLETIC CENTER v. CITY  
OF NATIONAL CITY**

**S170783** C061071 Third Appellate District

Petition for review denied

**CRUZ (ALBERT JAMES) ON  
H.C.**

**S170813** B206212 Second Appellate District, Div. 4

Petition for review denied

**PEOPLE v. SOTO  
(VERONICA)**

**S170819** H032038 Sixth Appellate District

Petition for review denied

**PEOPLE v. WARD  
(MICHAEL WAYNE)**

**S170826** G039784 Fourth Appellate District, Div. 3

Petition for review denied

**PEOPLE v. CHAPMAN  
(KURT ERIC)**

**S170840** B198217 Second Appellate District, Div. 7

Petition for review denied

**SANAI (CYRUS M.) v. SALTZ  
(HARVEY)**

**S170849** C058341 Third Appellate District

Petition for review denied

**PEOPLE v. SANDERS  
(JIMMY RAY)**

**S170854** C054906 Third Appellate District

Petitions for review denied

**PEOPLE v. SARDIN  
(QUINTAURUS TREMELE)**

**S170855** F052780 Fifth Appellate District

Petition for review denied

**PEOPLE v. BEARD  
(ANTHONY MARCEL)**

**S170865** H033530 Sixth Appellate District

Petition for review denied  
Corrigan, J., was recused and did not participate.

**RODRIGUEZ (RICHARD) v.  
WORKERS'  
COMPENSATION APPEALS  
BOARD (PENINSULA  
FLOORS)**

**S170872** H033831 Sixth Appellate District

Petition for review denied

**GONZALES (BOBBY  
MARTIN) v. S.C. (PEOPLE)**

**S170898** B188868 Second Appellate District, Div. 3

Petition for review denied

**PEOPLE v. BYRON, JR.,  
(MICHAEL EARL)**

**S170900** A119925 First Appellate District, Division 5

Petition for review denied

**PEOPLE v. AYALA (GENA  
LEANNE)**

**S170911** B203185 Second Appellate District, Div. 8

Petition for review denied

**PEOPLE v. DIXON (RUBEN)**

**S170913** A118176 First Appellate District, Div. 2

Petition for review denied

**PEOPLE v. YOUNG (HILARY  
CECIL)**

**S170915** B203733 Second Appellate District, Div. 1

Petition for review denied

**YUEN (MOLLY H. & HENRY  
C.), MARRIAGE OF**

<b>S170917</b>	B195952 Second Appellate District, Div. 7	<b>D &amp; M CONSTRUCTION v. WASHINGTON INTERNATIONAL INSURANCE COMPANY</b>
Petition for review denied		
<b>S170935</b>	B195480 Second Appellate District, Div. 2	<b>PEOPLE v. TORRES (HECTOR)</b>
Petition for review denied		
<b>S170940</b>	H033005 Sixth Appellate District	<b>IBANEZ (JOSE) ON H.C.</b>
Petition for review denied		
<b>S170941</b>	F053113 Fifth Appellate District	<b>PEOPLE v. PARR (TODD STEVEN)</b>
Petition for review denied		
<b>S170944</b>	B193557 Second Appellate District, Div. 6	<b>PEOPLE v. HALL (TAHNESIA ROCHELLE)</b>
Petition for review denied		
<b>S170983</b>	B206383 Second Appellate District, Div. 6	<b>PEOPLE v. HOLM (JON CHARLES)</b>
Petition for review denied		
<b>S170984</b>	F054047 Fifth Appellate District	<b>PEOPLE v. ADAMS (LAWRENCE ALAN)</b>
Petition for review denied		
<b>S170990</b>	B213973 Second Appellate District, Div. 4	<b>GARCIA (JIMMY RENNE) ON H.C.</b>
Petition for review denied		

**S171002** G039160 Fourth Appellate District, Div. 3

Petition for review denied

**PEOPLE v. MARTINEZ  
(ABRAHAM)**

**S171032** C057223 Third Appellate District

Petition for review denied

**PEOPLE v. STIRNAMAN  
(ROBERT GARY)**

**S171038** C058918 Third Appellate District

Petition for review denied

**PEOPLE v. BARTELL  
(SHEILA RENNEE)**

**S171040** G040130 Fourth Appellate District, Div. 3

Petition for review denied

**BAK (LINDA) v. MCL  
FINANCIAL GROUP,  
INC./(PETERS)**

**S171053** G039923 Fourth Appellate District, Div. 3

Petition for review denied

**CHRISTENSEN (TED E.) v.  
SMITH (WILLIAM W.)**

**S171060** A119241/A120609 First Appellate District, Div. 2

Petition for review denied

**PEOPLE v. SIMMONS  
(DEMETRIE L.)**

**S171063** B201886 Second Appellate District, Div. 4

Petition for review denied

**PEOPLE v. BEYAH (WAREES  
HASAN)**

**S171067** A124114 First Appellate District, Div. 2

Petition for review denied

**P. (J.) v. S.C. (PEOPLE)**

**S171077** B200628 Second Appellate District, Div. 3

Petition for review & publication request(s) denied

**AUERBACH (ARTHUR) v.  
TRANSAMERICA  
OCCIDENTAL LIFE  
INSURANCE CO.**

**S171078** E044811 Fourth Appellate District, Div. 2

Petition for review & depublication request(s) denied  
Werdegarr, J., is of the opinion the petition should be granted.

**DOE (JANE) v. CALIFORNIA  
LUTHERAN HIGH SCHOOL  
ASSOCIATION/  
(ASSOCIATION OF FAITH-  
BASED ORGANIZATIONS)**

**S171080** B199364/B200267 Second Appellate District, Div. 6 **SAFECO INSURANCE  
COMPANY OF AMERICA, A  
WASHINGTON  
CORPORATION v. PARKS  
(JAMEY LYNN)**

Petition for review & depublication request(s) denied

**S171097** E044388 Fourth Appellate District, Div. 2

Petition for review denied

**CALIFORNIA SCHOOL  
EMPLOYEES ASSOCIATION  
v. COLTON JOINT UNIFIED  
SCHOOL DISTRICT**

**S171101** E043983 Fourth Appellate District, Div. 2

Petition for review denied

**PEOPLE v. MARTIN (LARRY  
JAMES)**

**S171103** G040388 Fourth Appellate District, Div. 3

Petition for review denied

**STAROW (ROSE) v. STEIN  
(GARY)**



**S171110** H032584 Sixth Appellate District

Petition for review denied

**PEOPLE v. GIL (RAYMOND SEBASTIAN)**

**S171128** E044519 Fourth Appellate District, Div. 2

Petition for review denied

**PEOPLE v. HENSON (ROY EARL)**

**S171135** A119904 First Appellate District, Div. 1

Petition for review denied

**TAYLOR (SHARI) v. SAN FRANCISCO UNIFIED SCHOOL DISTRICT**

**S171143** A122122 First Appellate District, Division 5

Petition for review denied

**PEOPLE v. YORK (DANIEL A.)**

**S171152** C057896 Third Appellate District

Petition for review denied

Chin, J., was recused and did not participate.

**MILLER (MIRIAM) v. BANK OF AMERICA, N.A. (U.S.A.)**

**S171180** A122988 First Appellate District, Div. 2

Petition for review denied

**TOWN OF ATHERTON v. WORKERS' COMPENSATION APPEALS BOARD/(BLICK)**

**S171182** B213164 Second Appellate District, Div. 6

Petition for review denied

**ORTIZ (TREA VOR) v. WORKERS' COMPENSATION APPEALS BOARD/(UCSB)**

**S171193** B207537 Second Appellate District, Div. 5

Petition for review denied

**A. (C.), IN RE**

**S171196** B204343 Second Appellate District, Div. 6

Petition for review denied

**PEOPLE v. KEEFE (DAVID ALLEN)**

**S171207** D052237 Fourth Appellate District, Div. 1

Petition for review & depublication request(s) denied

**RIVERWATCH v. OLIVENHAIN MUNICIPAL WATER DISTRICT (GREGORY CANYON LTD.)**

**S171220** B197706 Second Appellate District, Div. 3

Petition for review denied

The application to appear as counsel pro hac vice is granted.

**TAN (YU FANG) v. ARNEL MANAGEMENT COMPANY**

**S171221** A122943 First Appellate District, Div. 2

Petition for review denied

**BLICK (ANITA) v. WORKERS' COMPENSATION APPEALS BOARD (TOWN OF ATHERTON)**

**S171222** B209719 Second Appellate District, Div. 3

Petition for review denied

**CARLISLE (DUANNA) v. WORKERS' COMPENSATION APPEALS BOARD/COUNTY OF LOS ANGELES)**

**S171234** B206158 Second Appellate District, Div. 6

The petition for review is denied without prejudice to any relief to which defendant might be entitled after this court decides *People v. Nguyen*, S154847.

**PEOPLE v. ROBINSON (DONALD)**

**S171237** B206508 Second Appellate District, Div. 6

Petition for review denied

**KARP (DIANE) v. MERCURY INSURANCE GROUP**

<b>S171275</b>	B206134 Second Appellate District, Div. 1	<b>KOLTER (COLLEEN) v. COMMISSION ON PROFESSIONAL COMPETENCE OF THE L.A.U.S.D. (LOS ANGELES UNIFIED SCHOOL DISTRICT)</b>
Petition for review denied		
<b>S171288</b>	B203366 Second Appellate District, Div. 7	<b>PEOPLE v. SIMS (LEON)</b>
Petition for review denied		
<b>S171294</b>	E047744 Fourth Appellate District, Div. 2	<b>CAMPOS (GABRIEL) ON H.C.</b>
Petition for review denied		
<b>S171327</b>	F054288 Fifth Appellate District	<b>PEOPLE v. SAESEE (JOHN AIPIO)</b>
Petition for review denied		
<b>S171330</b>	B206875 Second Appellate District, Div. 1	<b>J. (N.), IN RE</b>
Petition for review denied		
<b>S171344</b>	A120542 First Appellate District, Division 4	<b>PEOPLE v. MARSH (RAYMOND TODD)</b>
Petition for review denied		
<b>S171355</b>	B204659 Second Appellate District, Div. 3	<b>PEOPLE v. GUTIERREZ (JIMMY)</b>
Petition for review denied		
<b>S171362</b>	B206734 Second Appellate District, Div. 4	<b>PEOPLE v. CALDERON (RAYMOND)</b>
Petition for review denied		

**S171375** B207421 Second Appellate District, Div. 2

Petition for review denied

**KWOK (PATRICK MAN  
KEE) v. TRANSNATION  
TITLE INSURANCE  
COMPANY**

**S171384** E044188 Fourth Appellate District, Div. 2

Petition for review denied

**PEOPLE v. CARCAMO  
(ALBA YANIRA)**

**S171386** B202501 Second Appellate District, Div. 6

Petition for review denied

**PEOPLE v. GOMEZ (CARLOS  
VILLEGAS)**

**S171388** B206088 Second Appellate District, Div. 6

Petition for review denied

**PEOPLE v. GARIBAY  
(MIGUEL ANGEL)**

**S171392** A118601 First Appellate District, Division 5

Petition for review denied

**PEOPLE v. PHILLIPS (DWAN  
ANWAR)**

**S171396** A121099 First Appellate District, Div. 2

Petition for review denied

**PEOPLE v. NARCISSE  
(IMHOTEP MALONE)**

**S171401** B201075 Second Appellate District, Div. 7

Petition for review denied

**PEOPLE v. ATRIAN (JOSE  
M.)**

**S171402** B209459 Second Appellate District, Div. 6

Petition for review denied

**PEOPLE v. WHITE (ULRICK  
K.)**

**S171404**      B214577 Second Appellate District, Div. 7  
Petition for review denied

**JACKSON (DAJUAN KEVIN)  
v. S.C. (PEOPLE)**

**S171405**      G039810 Fourth Appellate District, Div. 3  
Petition for review denied

**PEOPLE v. VERNON  
(QUENTIN TODD)**

**S171406**      E044172 Fourth Appellate District, Div. 2  
Petition for review denied

**PEOPLE v. CHATMAN  
(JOHN ARTHUR)**

**S171407**      B213882 Second Appellate District, Div. 5  
Petition for review denied

**OBANDO (RENATO) ON H.C.**

**S171408**      A120462 First Appellate District, Div. 2  
  
Petition for review denied  
Werdegarr, J., was recused and did not participate.

**BENSON (DIANNE) v.  
WORKERS'  
COMPENSATION APPEALS  
BOARD/(PERMANENTE  
MEDICAL GROUP)**

**S171411**      B200508 Second Appellate District, Div. 4  
Petition for review denied

**SCHMIDT (GEORGE) v.  
WEBB (TREVOR)**

**S171415**      B204617 Second Appellate District, Div. 4  
Petition for review denied

**PEOPLE v. SILVA (STEVEN  
THOMAS)**

**S171422**      B196784 Second Appellate District, Div. 4  
  
Petition for review denied

**CUDAHY, CITY OF v.  
SHEPPARD, MULLIN,  
RICHTER & HAMPTON/  
(GALVAN)**

<b>S171424</b>	B203379 Second Appellate District, Div. 2	<b>PEOPLE v. HUYNH (TONY)</b>
Petition for review denied		
<b>S171426</b>	C055688 Third Appellate District	<b>PEOPLE v. RICHARDSON (DWAYNE)</b>
Petition for review denied		
<b>S171430</b>	E044726 Fourth Appellate District, Div. 2	<b>PEOPLE v. HUNTER (LAVELL FELIX)</b>
Petition for review denied		
<b>S171432</b>	B203195 Second Appellate District, Div. 6	<b>PEOPLE v. URIBE (PABLO CUELLAR)</b>
Petition for review denied		
<b>S171433</b>	B199555 Second Appellate District, Div. 3	<b>PEOPLE v. MCCRAW (DEVON MAURICE)</b>
The petition for review is denied without prejudice to any relief to which defendant might be entitled after this court decides <i>People v. Nguyen</i> , S154847.		
<b>S171436</b>	E046224 Fourth Appellate District, Div. 2	<b>PEOPLE v. BARAJAS (EDUARDO)</b>
Petition for review denied		
<b>S171437</b>	H033699 Sixth Appellate District	<b>CROSS (SANDRA) v. S.C. (COOPER)</b>
Petition for review denied		
<b>S171444</b>	B205870 Second Appellate District, Div. 1	<b>PEOPLE v. KROPP (MATTHEW DAVID)</b>
Petition for review denied		
<b>S171457</b>	C056587 Third Appellate District	<b>PEOPLE v. LANGLEY (NAHEEM EUGENE)</b>
Petition for review denied		

**S171460** A118961 First Appellate District, Division 4

Petition for review denied

**PEOPLE v. GARCIA  
(ONESIMO OLMEDA)**

**S171467** D052448 Fourth Appellate District, Div. 1

Petition for review denied

**PEOPLE v. JENKINS (JORGE  
ROBERT)**

**S171472** C055934 Third Appellate District

Petition for review denied

**TORRES (TOMMY) v. LIANG  
(WINSON)**

**S171482** B204613 Second Appellate District, Div. 3

Petition for review denied

**PEOPLE v. VENEGAS  
(EDDIE)**

**S171483** C053662 Third Appellate District

Petition for review denied

**PEOPLE v. STEELE  
(KENNETH ELBERT)**

**S171490** B214051 Second Appellate District, Div. 6

Petition for review denied

**SIMPSON (DONALD) ON H.C.**

**S171498** H032175 Sixth Appellate District

Petition for review denied

**PEOPLE v. GRANADOS  
(CLAUDIA GABRIELLE)**

**S171500** B207667 Second Appellate District, Div. 3

Petition for review denied

**VENEGAS (EDDIE) ON H.C.**

**S171505** G040329 Fourth Appellate District, Div. 3

Petition for review denied

**PEOPLE v. BOLES (ERIC  
MICHAEL)**

**S171510** E047854 Fourth Appellate District, Div. 2

Petition for review denied

**MARTIN (RONNIE S.) ON  
H.C.**

**S171532** C061161 Third Appellate District

Petition for review denied

**SIMS (THOMAS) ON H.C.**

**S171539** H033406 Sixth Appellate District

Petition for review denied

**PEOPLE v. TORRES (JUAN  
MATIAS)**

**S171542** B206612 Second Appellate District, Div. 3

Petition for review denied

**PEOPLE v. CACERES  
(JOSEPH R.)**

**S171549** E047743 Fourth Appellate District, Div. 2

Petition for review denied

**GONZALES (IGNACIO) ON  
H.C.**

**S171551** A120020 First Appellate District, Division 5

Petition for review denied

**PEOPLE v. TAYLOR (RYAN  
ANTHONY)**

**S171553** H033955 Sixth Appellate District

Petition for review denied

**WAHL (MICHELLE T.) v. S.C.  
(ECK)**

**S171657** A119961 First Appellate District, Division 5

Petition for review denied

**PEOPLE v. KEPFORD (ERIC  
SEAN)**



**S172064** D054792 Fourth Appellate District, Div. 1 **OLSON (GLORIA) ON H.C.**  
Petition for review denied

The appeal currently pending in the Court of Appeal, Fourth Appellate District, Division One, entitled *In re Gloria Olson*, D054792, is hereby transferred to this court. The order filed in this court on April 16, 2009, granting the Attorney General's request for a stay is to remain in effect pending final determination of the appeal in the Court of Appeal. The appeal is retransferred to the Court of Appeal, Fourth Appellate District, Division One.

The petition for review is denied as moot.

Votes: George, C. J., Baxter, Chin, and Corrigan, JJ.

**S159771** **BREDFIELD (DONALD RAY)**  
**ON H.C.**

Petition for writ of habeas corpus denied

**S165448** **SINGLETON (STANLEY E.)**  
**ON H.C.**

Petition for writ of habeas corpus denied

**S166139** **HARDIN (JERRY LEE) ON**  
**H.C.**

Petition for writ of habeas corpus denied

**S166187** **HARBOR (TRAVYON C.) ON**  
**H.C.**

Petition for writ of habeas corpus denied

**S166938** **ACEVEDO (RUFINO) ON**  
**H.C.**

Petition for writ of habeas corpus denied  
(See *People v. Duvall* (1995) 9 Cal.4th 464, 474.)

**S167408** **HAMILTON (JOHNATHON)**  
**ON H.C.**

Petition for writ of habeas corpus denied

**S167619****DEY (EUGENE ALEXANDER)  
ON H.C.**

Petition for writ of habeas corpus denied

**S167640****BENN (BRUCE K.) ON H.C.**

Petition for writ of habeas corpus denied

(See *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Dixon* (1953) 41 Cal.2d 756.)**S167801****JOHNSON (ANTHONY) ON  
H.C.**

Petition for writ of habeas corpus denied

**S167803****SANABRIA (ABRAHAM) ON  
H.C.**

Petition for writ of habeas corpus denied

(See *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Clark* (1993) 5 Cal.4th 750.)**S167808****BRACE (ROBERT ALAN) ON  
H.C.**

Petition for writ of habeas corpus denied

(See *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Clark* (1993) 5 Cal.4th 750; *People v. Duvall* (1995) 9 Cal.4th 464, 474.)**S167879****MCLURE (MELVIN) ON H.C.**The petition for writ of habeas corpus is denied without prejudice to filing a petition for writ of habeas corpus in the trial court. (See *In re Lawrence* (2008) 44 Cal.4th 1181.)**S167886****TAYLOR (RONALD E.) ON  
H.C.**

Petition for writ of habeas corpus denied

**S167888****VALDEZ (JOSE DAVID) ON  
H.C.**

Petition for writ of habeas corpus denied

**S167889**

Petition for writ of habeas corpus denied

**SMITH (RODNEY) ON H.C.****S167890**

Petition for writ of habeas corpus denied

**HOLMES (MICHAEL CAVIN)  
ON H.C.****S167948**

Petition for writ of habeas corpus denied

**AGUIRRE (TIMOTHY DANE)  
ON H.C.****S167958**

The petition for writ of habeas corpus is denied as moot.

**SWIFT (CALVIN) ON H.C.****S167962**

Petition for writ of habeas corpus denied

(See *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Clark* (1993) 5 Cal.4th 750; *In re Swain* (1949) 34 Cal.2d 300, 304.)**RASHEED (TAHEE  
ABD') ON H.C.****S167975**

Petition for writ of habeas corpus denied

**WALTON (KEVIN L.) ON  
H.C.****S167978**

Petition for writ of habeas corpus denied

(See *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Clark* (1993) 5 Cal.4th 750.)**MCNUTT (ROBERT) ON H.C.****S167985**

Petition for writ of habeas corpus denied

**GRANADOS (CARLOS) ON  
H.C.**

**S168000****PHIFER (WAYNE) ON H.C.**

Petition for writ of habeas corpus denied

(See *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Clark* (1993) 5 Cal.4th 750; *In re Waltreus* (1965) 62 Cal.2d 218; *In re Dixon* (1953) 41 Cal.2d 756; *In re Lindley* (1947) 29 Cal.2d 709.)

**S168007****RIVERA (HECTOR) ON H.C.**

Petition for writ of habeas corpus denied

(See *In re Swain* (1949) 34 Cal.2d 300, 304; *People v. Duvall* (1995) 9 Cal.4th 464, 474.)

**S168061****WIMBLEY (FINLEY) ON H.C.**

Petition for writ of habeas corpus denied

(See *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Swain* (1949) 34 Cal.2d 300, 304; *People v. Duvall* (1995) 9 Cal.4th 464, 474.)

**S169586****BELTRAN (RAMON) ON H.C.**

Petition for writ of habeas corpus denied

**S169740****GONZALEZ (EVERETT  
GALINDO) ON H.C.**

Petition for writ of habeas corpus denied

**S169855****COTA (RUBEN ARMENTA)  
ON H.C.**

Petition for writ of habeas corpus denied

(See *In re Miller* (1941) 17 Cal.2d 734; *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Clark* (1993) 5 Cal.4th 750.)

**S169896****MARSHALL (BOBBY) ON  
H.C.**

Petition for writ of habeas corpus denied

**S170323****SANTOS, JR., (PATRICK  
JAMES) ON H.C.**

Petition for writ of habeas corpus denied

**S170376****BEASLEY (JEREMY JOHN)  
ON H.C.**

Petition for writ of habeas corpus denied

**S170888****QUEZADA (ALVARO) ON  
H.C.**

Petition for writ of habeas corpus denied

**S171016****BROWN (KAREEM) ON H.C.**Petition for writ of habeas corpus denied  
Baxter, J., was recused and did not participate.**S171171****QUEZADA (ALVARO) ON  
H.C.**Petition for writ of habeas corpus denied  
(See *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Clark* (1993) 5 Cal.4th 750; *In re Dixon* (1953) 41 Cal.2d 756.)**S171204****LUU (QUOC XUONG) ON  
H.C.**

Petition for writ of habeas corpus denied

**S171718****LOZADA (AARON A.) ON  
HABEAS CORPUS**Petition for writ of habeas corpus denied  
(See *In re Swain* (1949) 34 Cal.2d 300, 304; *People v. Duvall* (1995) 9 Cal.4th 464, 474.)**S171728****SMITH (DEWONE TYRONE)  
ON H.C.**Petition for writ of habeas corpus denied  
(See *In re Swain* (1949) 34 Cal.2d 300, 304; *People v. Duvall* (1995) 9 Cal.4th 464, 474.)**S171782****MADDOX (RICKY) ON H.C.**Petition for writ of habeas corpus denied  
(See *In re Swain* (1949) 34 Cal.2d 300, 304; *People v. Duvall* (1995) 9 Cal.4th 464, 474.)

**S171785****JONES (DON JAMES) ON  
H.C.**

Petition for writ of habeas corpus denied

(See *In re Swain* (1949) 34 Cal.2d 300, 304; *People v. Duvall* (1995) 9 Cal.4th 464, 474.)**S171810****FERNANDEZ (EDUARDO)  
ON H.C.**

Petition for writ of habeas corpus denied

**S172009****CROSS (GEORGE) ON H.C.**

Petition for writ of habeas corpus &amp; request for stay are denied.

**S172011****CROSS (GEORGE) ON H.C.**

Petition for writ of habeas corpus denied

(See *In re Swain* (1949) 34 Cal.2d 300, 304; *People v. Duvall* (1995) 9 Cal.4th 464, 474.)**S170149**

A121619 First Appellate District, Division 4

**B. (N.), IN RE**

Publication request denied (case closed)

**S170622**

B200962 Second Appellate District, Div. 7

**GREENSTEIN (STEVEN) v.  
THE GREIF COMPANY AND  
A&E TELEVISION  
NETWORKS**

Publication request denied (case closed)

**S170646**

A120223 First Appellate District, Div. 2

**BARKER (DAVID) ON H.C.**

Publication request denied (case closed)

**S170843**

A121132 First Appellate District, Div. 2

**PATRAS (PETER) v. ANOLIK  
(ALEXANDER)**

Publication request denied (case closed)

**S170895**

B195050 Second Appellate District, Div. 3

**GORDON (SCOTT) v. NISSAN  
MOTOR CO., LTD.**

Publication request denied (case closed)

**S170963** D050753 Fourth Appellate District, Div. 1

Publication request denied (case closed)

**WILLIAMS (KATHLEEN) v.  
NIDEK CO., LTD.**

**S170976** B204342 Second Appellate District, Div. 5

Publication requests denied (case closed)  
Kennard and Chin, JJ., were recused and did not participate.

**RHODE (WILLIAM) v.  
FLEETWOOD MOTOR  
HOMES OF CALIFORNIA,  
INC.**

**S170987** A123398 First Appellate District, Div. 3

Publication request denied (case closed)

**D. (K), IN RE**

**S171218** F055046 Fifth Appellate District

Publication request denied (case closed)

**AGUILAR (RICARDO) v. A &  
R CONSTRUCTION AND  
DEVELOPMENT LTD.**

**S171930** E047124 Fourth Appellate District, Div. 2

Publication request denied (case closed)

**PEOPLE v. S.C. (HAWKINS)**

**S122611**

Extension of time granted

On application of appellant and good cause appearing, it is ordered that the time to serve and file appellant's opening brief is extended to June 23, 2009.

**PEOPLE v. STESKAL  
(MAURICE GERALD)**

**S050583**

Order appointing Habeas Corpus Resource Center filed

The order appointing Michael G. Millman, as Executive Director of the California Appellate Project in San Francisco, to serve as interim habeas corpus/executive clemency counsel of record for appellant Demetrius Charles Howard, filed June 11, 2008, is hereby vacated.

On the court's own motion, the Habeas Corpus Resource Center is hereby appointed to represent appellant Demetrius Charles Howard for habeas corpus/executive clemency proceedings related to the above automatic appeal now pending in this court.

**PEOPLE v. HOWARD  
(DEMETRIUS CHARLES)**

Any “petition for writ of habeas corpus will be presumed to be filed without substantial delay if it is filed . . . within 36 months” of this date (Supreme Ct. Policies Regarding Cases Arising From Judgments of Death, policy 3, timeliness std. 1-1.1), and it will be presumed that any successive petition filed within that period is justified or excused (see *In re Clark* (1993) 5 Cal.4th 750, 774-782), in light of prior habeas corpus/executive clemency counsel Judd C. Iversen’s declaration, in support of his motion to withdraw, to the effect that he was unable to discharge his duty to investigate and, if appropriate, present a habeas corpus petition on behalf of appellant Demetrius Charles Howard, and this court’s delay in appointing replacement habeas corpus/executive clemency counsel.

**S138052****PEOPLE v. MATAELE  
(TUPOUTOE)**

Counsel appointment order filed

Upon request of appellant for appointment of counsel, Stephen M. Lathrop is hereby appointed to represent appellant Tupoutoe Mataele for the direct appeal in the above automatic appeal now pending in this court.

**S172252****PALMER III (WILL MOSES)  
v. S.C. (PEOPLE)**

Order filed

The order filed April 23, 2009, transferring the above entitled matter to the Court of Appeal, Second Appellate District, is hereby amended to reflect the above caption.

**S171296****SANDERS, ACCUSATION OF**

Petition denied (accusation)

**S171418****MIRAMONTES,  
ACCUSATION OF**

Petition denied (accusation)

**S171420****ROJAS, ACCUSATION OF**

Petition denied (accusation)

**S171425****PAQUETTE, ACCUSATION  
OF**

Petition denied (accusation)



**S171479****VILLAREAL, ACCUSATION  
OF**

Petition denied (accusation)

**S171789****CURRIE, ACCUSATION OF**

Petition denied (accusation)

**S137831****O'KEEFE ON DISCIPLINE**

Probation revoked

The court orders that the probation of CHRISTOPHER JAMES O'KEEFE, State Bar Number 165197, is revoked. The court further orders that:

1. CHRISTOPHER JAMES O'KEEFE is suspended from the practice of law for a minimum of two years, and he will remain suspended until the following requirement is satisfied:
  - i. He must provide proof to the State Bar Court of his rehabilitation, fitness to practice and learning and ability in the general law before his suspension will be terminated. (Rules Proc. Of State Bar, tit. IV, Stds. For Atty. Sanctions for Prof. Misconduct, std. 1.4(c)(ii).)

2. CHRISTOPHER JAMES O'KEEFE is given credit towards the two year suspension for the period of involuntary inactive enrollment which commenced on September 19, 2008

CHRISTOPHER JAMES O'KEEFE must also take and pass the Multistate Professional Responsibility Examination during the period of his suspension. Failure to do so may result in an automatic suspension. (Cal. Rules of Court, rule 9.10(b).)

CHRISTOPHER JAMES O'KEEFE must also comply with rule 9.20 of the California Rules of Court and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order. Failure to do so may result in disbarment or suspension.

Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

**S145631****GARCIA ON DISCIPLINE**

Probation revoked

The court orders that the probation of CHRISTINE LOUISE GARCIA, State Bar Number 209701, is revoked. The court further orders that CHRISTINE LOUISE GARCIA is suspended from the practice of law for one year, execution of that period of suspension is stayed, and she is placed on probation for two years subject to the following conditions:

1. CHRISTINE LOUISE GARCIA must comply with the conditions of probation recommended by the Hearing Department of the State Bar Court in its Decision filed on September 11, 2008;
2. At the expiration of the period of probation, if CHRISTINE LOUISE GARCIA has complied with all conditions of probation, the one-year period of stayed suspension will be satisfied and

that suspension will be terminated.

Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

**S157400****GONG ON DISCIPLINE**

Probation revoked

The court orders that the probation of GLORIA MARGARET GONG, State Bar Number 163418, is revoked. The court further orders that GLORIA MARGARET GONG is placed on probation for two years, subject to the following conditions:

1. GLORIA MARGARET GONG is suspended from the practice of law for the first year of her probation with credit given for the period of involuntary inactive enrollment which commenced on September 8, 2008.
2. GLORIA MARGARET GONG must comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its Order Granting Motion to Revoke Probation filed on September 5, 2008.

GLORIA MARGARET GONG must also comply with rule 9.20 of the California Rules of Court and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order. Failure to do so may result in disbarment or suspension.

Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

**A123463**

First Appellate District, Div. 3

**GRIDLEY (ARNOLD S.),  
ESTATE OF**

The above-entitled matter, now pending in the Court of Appeal, First Appellate District, is transferred from Division Three to Division Two.

Fourth Appellate District, Div. 2      **TRANSFER ORDERS**

The following matters, now pending in the Court of Appeal, Fourth Appellate District, are transferred from Division Two to Division Three:

- |    |         |                                 |
|----|---------|---------------------------------|
| 1. | E046931 | People v. Jerron Henderson      |
| 2. | E045402 | People v. Leann Fahrion et al.  |
| 3. | E046102 | People v. Angel Nuñez           |
| 4. | E047142 | People v. Oscar Gonzalez        |
| 5. | E047055 | People v. Ashlee Warwick        |
| 6. | E043916 | People v. Jose Urrutia et al.   |
| 7. | E045696 | People v. Erika Serranoz        |
| 8. | E046908 | People v. James Williams et al. |

**SUPREME COURT OF CALIFORNIA  
ORAL ARGUMENT CALENDAR  
SAN FRANCISCO SESSION  
MAY 4, 5, and 6, 2009**

**FIRST AMENDED**

The following cases are placed upon the calendar of the Supreme Court for hearing at its courtroom in the Earl Warren Building, 350 McAllister Street, Fourth Floor, San Francisco, California, on May 4, 5, and 6, 2009.

**MONDAY, MAY 4, 2009—1:30 P.M.**

S157820	People v. Traylor (Dale)
S064415	People v. Bramit (Michael Lamar) [Automatic Appeal]
S042323	People v. Burney (Shaun) [Automatic Appeal]

**TUESDAY, MAY 5, 2009—9:00 A.M.**

S156961	San Leandro Teachers Assn. et al. v. Governing Board of the San Leandro School District et al.
S164884	Azure Limited v. I-Flow Corp. ( <i>Kennard, J., not participating; Perren, J., assigned justice pro tempore</i> )
S157565	People v. McNeal (Timmie Lance)

**1:30 P.M.**

S141480	In re Martinez (Omar Fuentes) on Habeas Corpus
S055501	People v. Butler (Raymond) [Automatic Appeal]
S027264	People v. Friend (Jack Wayne) [Automatic Appeal]

**WEDNESDAY, MAY 6, 2009—9:00 A.M.**

S162818	Munson v. Del Taco, Inc.
S152695	People v. Anderson (Barry)
S152273	Porter v. Superior Court of Monterey County (People, Real Party in Interest)

**1:30 P.M.**

S158076	People v. Dieck (Roland)
S069959	People v. Lewis (Michael) [Automatic Appeal]
S064337	People v. Rogers (Ramon Jay) [Automatic Appeal]

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*Chief Justice*

If exhibits are to be transmitted to this court, counsel must apply to the court for permission. (See Cal. Rules of Court, rule 8.224(c).)

